

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRISTOPHER HENEHAN and	:
LORI HENEHAN,	:
	: CIVIL ACTION NO. 3:22-CV-466
	: (JUDGE MARIANI)
Plaintiffs,	: (Magistrate Judge Carlson)
	:
v.	:
	:
PENN ANTHRACITE COLLIER CO.,	:
and AMCO INSURANCE COMPANY,	:
d/b/a NATIONWIDE MUTUAL	:
INSURANCE CO.,	:
	:
Defendants.	:

ORDER

AND NOW, THIS 28th DAY OF JULY 2023, upon consideration of Magistrate Judge Martin C. Carlson's Report and Recommendation ("R&R") (Doc. 26) and all relevant documents for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 26) is **ADOPTED** for the reasons stated therein;
2. Defendant's Motion to Dismiss Counts I and III of the First Amended Complaint

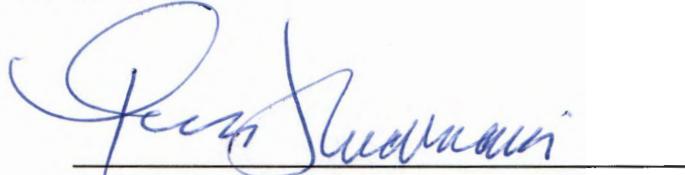
Pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(f) (Doc. 18) is

GRANTED;

3. Counts I and III of Plaintiff's First Amended Civil Action Complaint (Doc. 17) are

DISMISSED WITHOUT PREJUDICE;

4. Plaintiffs may file an amended complaint as set forth in the R&R (Doc. 26 at 18) **within fourteen (14) days** of the date of this Order.



Robert D. Mariani
United States District Judge